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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO.       |
|--|-------------|----------------------|-----------------------------|------------------------|
| 10/516,565   | 09/01/2005  | Takuhiro Kondo       | GOT 203NP                   | 5509                   |
| 23995  | 7590        | 11/19/2007           |                             |                        |
| RABIN & Berdo, PC<br>1101 14TH STREET, NW<br>SUITE 500<br>WASHINGTON, DC 20005 |             |                      | EXAMINER<br>TORRES, MELANIE |                        |
|  |             |                      | ART UNIT<br>3683            | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>11/19/2007     | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/516,565

Applicant(s)

KONDO ET AL.

Examiner

Melanie Torres

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

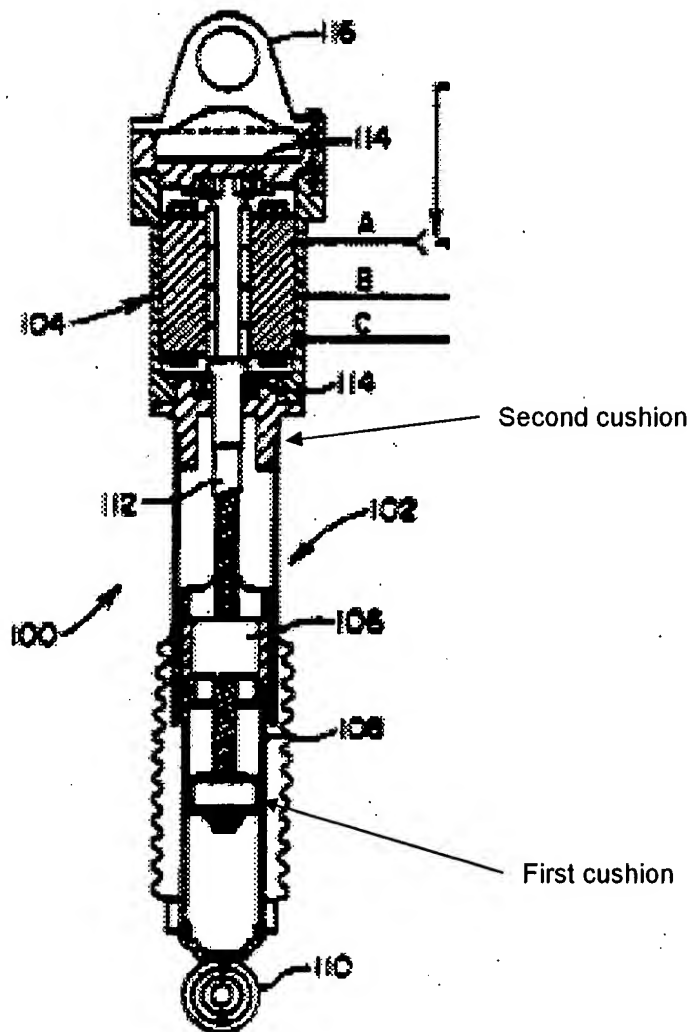
1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patil et al. (US 5,070,284) in view of Takegawa (JP 62004937).

Patil et al. teach an electromagnetic shock absorber comprising: a shock absorber body (104) which makes a telescopic motion in response to an input from outside; a ball screw mechanism which is arranged in the shock absorber body, converts the telescopic motion into a rotary motion, and is composed of a ball nut and a screw shaft (106, 112); and a motor (104) which is provided coaxially with the shock absorber body and generates electromagnetic resistance to oppose against the rotary motion to be input into a rotary shaft of the motor, wherein the screw shaft and the rotary shaft of the motor are constituted as one united shaft member, wherein the shock absorber body has an external cylinder, and an internal cylinder to be slidably inserted into the external cylinder, and the motor is coaxially connected with an upper part of the external cylinder, wherein the ball nut of the ball screw mechanism is fixed to an upper part of the internal cylinder, and the screw shaft which is united with the rotary shaft of the motor is spirally engaged with the ball nut, wherein the screw shaft and the rotary shaft

are connected by an intermediate shaft section which is rotatably supported by an inside wall of the external cylinder through a bearing, wherein a first cushion member which comes into contact with a lower surface of the ball nut at a maximum descent stroke position of the internal cylinder is installed at a lower end of the screw shaft, and wherein a second cushion member which comes into contact with an upper surface of the ball nut at a maximum ascent stroke position of the internal cylinder is installed at a lower surface of the bearing. (See below)



Patil et al. do not teach wherein a diameter of the intermediate shaft section is thinner than that of the screw shaft, and a diameter of the rotary shaft is thinner than that of the intermediate shaft section. Takegawa teach wherein a diameter of the intermediate shaft section is thinner than that of the screw shaft, and a diameter of the rotary shaft is thinner than that of the intermediate shaft section. (Figure 3)

Because both Patil et al. and Takegawa teach screw shafts, intermediate shafts and rotary shafts which are connected, it would have been obvious to one having ordinary skill in the art to provide the shaft of varying diameters as taught by Takegawa since the operation of the shock absorber is in no way dependent on the shaft diameters and one skilled in the art would have known to substitute one shaft for another to achieve the predictable result of reducing the number of components and production costs.

### ***Response to Arguments***

3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is

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(571)272-7127. The examiner can normally be reached on Monday, 6:00 AM - 4:30 PM, Tuesday, 6:00 - 12:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571)272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT  
November 13, 2007

*Melanie Torres*  
Melanie Torres  
Primary Examiner  
11-13-07